

# House File 102 - Introduced

HOUSE FILE 102

BY A. MEYER and FRY

## A BILL FOR

- 1 An Act relating to noneconomic damage awards against
- 2 health care providers, and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.136A, subsection 1, paragraph b,  
2 Code 2023, is amended to read as follows:

3 b. (1) "*Noneconomic damages*" means damages arising from  
4 pain, suffering, inconvenience, physical impairment, mental  
5 anguish, emotional pain and suffering, loss of chance, loss of  
6 consortium, or any other nonpecuniary damages.

7 (2) "*Noneconomic damages*" does not include the loss of  
8 dependent care, including the loss of child care, due to the  
9 death of or severe injury to a spouse or parent who is the  
10 primary caregiver of a child under the age of eighteen or a  
11 disabled adult. Such damages shall be considered economic  
12 damages.

13 Sec. 2. Section 147.136A, subsection 2, Code 2023, is  
14 amended to read as follows:

15 2. The total amount recoverable in any civil action for  
16 noneconomic damages for personal injury or death, whether in  
17 tort, contract, or otherwise, against a health care provider  
18 ~~shall be limited to two hundred fifty thousand dollars~~ for any  
19 occurrence resulting in injury or death of a patient regardless  
20 of the number of plaintiffs, derivative claims, theories of  
21 liability, or defendants in the civil action, shall not exceed  
22 two hundred fifty thousand dollars unless the jury determines  
23 that there is a substantial or permanent loss or impairment of  
24 a bodily function, substantial disfigurement, or death, which  
25 warrants a finding that imposition of such a limitation would  
26 deprive the plaintiff of just compensation for the injuries  
27 sustained, in which case the amount recoverable shall not  
28 exceed one million dollars.

29 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
30 importance, takes effect upon enactment.

31 Sec. 4. APPLICABILITY. This Act applies to causes of action  
32 accrued on or after the effective date of this Act.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1     This bill relates to noneconomic damage awards against  
2 health care providers.

3     Current law provides that in a civil action brought against  
4 a health care provider, the maximum amount of noneconomic  
5 damages that a patient may recover for personal injury or  
6 death is \$250,000, unless the jury determines that there is  
7 a substantial or permanent loss or impairment of a bodily  
8 function, substantial disfigurement, or death, which warrants  
9 a finding that imposition of such a limitation would deprive  
10 the plaintiff of just compensation for the injuries sustained.  
11 In such a case, there is no cap on the amount of noneconomic  
12 damages that a patient may recover. The bill makes two  
13 changes to current law. First, the bill establishes that the  
14 definition of noneconomic damages does not include the loss of  
15 dependent care due to the death of or severe injury to a spouse  
16 or parent who is the primary caregiver of a child or disabled  
17 adult. Instead, such damages are economic damages. Second,  
18 the bill provides a \$1 million cap on noneconomic damages when  
19 the jury finds that there is substantial or permanent loss or  
20 impairment of a bodily function, substantial disfigurement, or  
21 death which warrants exceeding the \$250,000 cap. The bill does  
22 not amend the current exception to the cap for cases in which  
23 the defendant's actions constitute actual malice.

24     The bill takes effect upon enactment and applies to causes of  
25 action accrued on or after that date.